

**OAKLAND AREA
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Oakland Area GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: April 16, 2024

SUBJECT: Resolution to Declare the GHAD’s Intent to Order an Assessment for the Oak Knoll Development and Set a Public Hearing 45 days after Notice is Provided to Consider the Proposed Assessment and any Protests Thereto

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 2024-01 to do the following:
 - (a) APPROVE the Engineer’s Report for the Oak Knoll development dated April 3, 2024.
 - (b) DECLARE the GHAD’s intent to order an assessment for the Oak Knoll development
 - (c) SET a public hearing date a minimum of 45 days after notice is provided to consider the proposed assessment and any protests thereto.

SUMMARY:

In approving the Oak Knoll development, Subdivision 8320, the City of Oakland adopted Conditions of Approval (“COA”) including COA No. 51, requiring the development be annexed into the existing Oakland Area Geologic Hazard Abatement District (“GHAD”). With the approval of Resolution No. 2022-06 on July 5, 2022, the GHAD Board of Directors (“GHAD Board”) approved annexation of the Oak Knoll development into the Oakland Area GHAD and approved the Oak Knoll Plan of Control (“Plan of Control”). To secure a funding source for the Oak Knoll development, an Engineer’s Report, dated April 3, 2024, has been prepared to fund the GHAD-maintained improvements identified in the Plan of Control. The Engineer’s Report recommends an assessment limit of \$920.00 per each single-family residential unit, adjusted based on residential type as described in Table VII-1 in the Engineer’s Report, and \$0.10 per square foot of habitable, non-residential unit (Fiscal Year 2023/24 dollars).

BACKGROUND AND DISCUSSION:

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On July 18, 2006, the Oakland City Council adopted Resolution No. 80058 approving the formation of the GHAD and appointed itself to serve as the GHAD Board. The Siena Hill development was included within the Oakland Area GHAD at the time of formation. Annexation of the Kenilworth development into the Oakland Area GHAD was approved on February 21, 2017, with the approval of Resolution No. 15.

In approving the Oak Knoll development, the City Council of Oakland imposed Condition of Approval No. 51 requiring the property owner to seek annexation of the property into the Oakland Area GHAD. As allowed by GHAD Law, the property owner submitted a Petition for Annexation of the Oak Knoll development into the Oakland Area GHAD. On July 5, 2022, the GHAD Board of Directors held a public hearing on the proposed annexation and, with the approval of Resolution No. 2022-06, the GHAD Board approved annexation of the Oak Knoll development into the Oakland Area GHAD and approved the Plan of Control.

A funding source for the GHAD activities was previously secured for the Siena Hill and Kenilworth developments within the Oakland Area GHAD. As with the Siena Hill and Kenilworth developments, the funding source for GHAD activities is through a real property assessment. The assessment for the development within the Oak Knoll development is proposed to be imposed as building permits are issued. The assessment is proposed to fund GHAD activities, including maintenance of the improvements in the Oak Knoll development as described in the Plan of Control and approved by the GHAD Board previously on July 5, 2022 (Resolution No. 2022-06).

The Oak Knoll development consists of single-family detached homes (“SFDs”), garden court homes, townhomes, and condominium units, as well as habitable non-residential buildings, including a community center and a retail center. The total number and average representative lot size/allocation for the residences, as well as the area of habitable space in the habitable, non-residential buildings, were considered in light of the annual GHAD Annexation Area budget in developing the annual assessment amount.

The proposed assessment is supported by the attached Engineer’s Report, which has been prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment 1 to Resolution No. 2024-01). The Engineer’s Report recommends an assessment limit of \$920.00 per each residential unit, adjusted based on residential type as described in Table VII-1 in the Engineer’s Report, and \$0.10 per square foot of habitable, non-residential unit (Fiscal Year 2023/24 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for Siena Hill and Kenilworth landowners in the GHAD.

The Engineer's Report confirms that the properties within the Oak Knoll development area will receive equal special benefit from the work and improvements within the GHAD based on a representative average lot size allocated to the number of units within the development and the area of habitable space in the habitable non-residential buildings, respectively. As a result, the GHAD assessment for the GHAD Annexation Area is distributed among residential units and habitable non-residential buildings.

To allow the GHAD Board to consider approval of the proposed assessment, the property owner of the Oak Knoll development will be provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot.

FISCAL IMPACT:

The current property owner is responsible for funding all activities undertaken by the GHAD for the Oak Knoll development up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is expected to be funded 100% through assessments levied on properties within the Oak Knoll portion of the Oakland Area GHAD. There is no impact on the City's General Fund.

NEXT STEPS:

1. On June 4, 2024, the GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Board shall not impose the assessment if there is a majority protest. If there is no majority protest, the GHAD Board shall authorize the assessment and a Notice of Assessment shall be recorded against the Oak Knoll development property.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

- A. Resolution No. 2024-01